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ABSTRACT

This report discusses the types, development, and dynamics of school disputes, and indicates when intervention can bring them to satisfactory resolutions. The format is essentially a casebook of various kinds of disputes and dispute-causing issues. Two kinds of school disputes are emphasized: school-community and internal organizational. The final section contains recommendations for dispute settlement, noting that negotiations can prevent disputes from becoming malevolent and/or resolve disputes after they have entered a malevolent cycle. The report also recommends the establishment of centers for the study and resolution of school disputes to assist school districts in resolving both internal disputes and those that result from external forces. (JF)

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Problems, Issues and Techniques in the Resolution of School Disputes

A Report on the Collective Negotiations Institute, 1969

Harvard Graduate School of Education

by Edward Simpkins

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ABOUT THE INSTITUTE

Dispute settlement promises to be a major part of the school administrator's role, particularly in the urban centers of American society. This fact asserts itself not just in New York City, where it was underscored by successive strikes and confrontations over issues arising out of the ocean Hill-Brownsville experimental district, but also in cities like Washington, Detroit, and Boston.

No city, in fact, is immune to the kinds of turbulence that upset the schools of New York in 1968. In light of this fact, Harvard University's Graduate School of Education devoted its 1969 Institute on Collective Negotiations to an exploration of disputes within and outside the area of contract negotiations.

The central question which the planners hoped would be answered was whether workable techniques for resolving explosive conflicts were evolving in the big cities. They were particularly interested in the applicability of mediation and negotiation techniques to areas of conflict only tangentially related to regular contract negotiations.

The Institute attracted a broad cross-section of participants. Among them were parents, teachers, school administrators, pupils, members of big city boards of education, union leaders, and interested community spokesmen, practically all of whom had been directly involved in confrontations with school authorities.

What was of overriding significance during the conference was that so few participants saw the big city school systems as being structured to respond to change without the application of either massive disruption or threat to their survival. The consensus was that the schools are impervious to inputs from their environment, and that their managerial and professional staffs are unresponsive to external requests for change.

One parent, Mr. Amos Wilder, of Detroit, expressed his disenchantment as follows:

> The practice of citizen groups presenting their concerns to the Board of Education is now regarded as an exercise in bureaucratic gymnastics and futility. We as parents can no longer entrust our vital concerns to school officials only to have them courteously received and then compromised into inaction through archaic board policies, self-centered and conflicting board and teacher union contract provisions which, without question, seriously affect the ability of schools to educate our children. . . . .

We now ask ourselves what kind of a school system is it that relegates black and poor children to a status of academic inferiority and intellectual mediocrity. We now ask ourselves if we can permit schools to be run under a bureaucratic process dedicated to uniformity, the status quo and to the protection of the vested interests of its professionals through a system of tenure under which wide-spread incompetence flourishes and often succeeds in becoming a standard for some schools.

It seems to me that since everything else has failed during the last fifteen or twenty years to effectively educate black or poor children, we, as communities, must develop the . . . freedom to declare that these are our communities, these are our schools, they must now function under our rules and be accountable to us.

Disruption: A Necessary Evil?

To many members of the Institute, disruption appeared to be the only way to confront and resolve many issues and to bring about the kind of accountability that Mr. Wilder calls for. It is not clear whether the intensity of a school disruption can always be regulated by the disputant who has the power to make timely concessions and conciliate the contending party. But certainly this sometimes is the case. It would appear from the vantage point of the Harvard Institute that meaningful conciliatory action is rarely tried, however, until the issues are in the process of being dramatized and the intensity of the dispute heightened to such a point that the social equilibrium of the school organization is considerably upset. For teachers, the disruptive technique is likely to be the strike; for students it is the walk-out; for community groups it is the short-term boycott and the formation of the "liberation" school or of an alternative system under community control. For the change agent within the system, it is more or less open support for the outside advocates of change. Each group has its own means and techniques, and representatives of each often appeared to feel that the only hope lay in the use of these means. For example, black participants, some in policy making positions and high administrative posts, expressed the belief that many of the rules and procedures governing change in school systems, and especially governing promotions, are a two-edged sword. On the one hand, they cut down patronage and favoritism, but on the other hand, they hinder efforts to produce timely change.

The fact that so many people believe that the schools will not change or that present "fixed" procedures are sometimes inherently unfair suggests a need for establishing new structures and mechanisms through which different interests may confront school authorities and resolve differences. The fact that so many school breakdowns have already taken place reflect the absence of such mechanisms and the enormous frustration which results from their absence. Unless mechanisms are provided, we can expect the number of disruptions to increase.

In order to understand what the possibilities are for accommodation and reconciliation, it is necessary to look at the different kinds of disputes, see how they develop, what their dynamics are, and where intervention can take place to bring them to a satisfactory resolution. Such examination of issues and possibilities was the purpose of the Harvard Institute. What follows is essentially a case-book of different kinds of disputes and dispute-causing issues. Also discussed are examples of different approaches to dispute settlement. It should be stressed that members of the Institue were by no means unanimous in their appraisal of differing sets of circumstances, and the presentation of this report should not be taken as indicating unanimity. However, the viewpoints presented are typical of those most members of the Institute expressed at one time or another. This report is essentially an effort to gather the "spirit of the meeting."

The final section is the recommendations of the Institute planners, on the whole question of school dispute settlement. We discovered that possibilities do exist for reconciling interests and preventing breakdowns in schools, and for remedying the causes and ameliorating the intensity of breakdowns should they occur in spite of efforts to prevent them. The possibilities are several, but our firm conclusion is that resolution techniques for handling disputes should be already in place and readily available before trouble starts.

Edward Simpkins
Cambridge, Massachusetts
September, 1970

Chapter I

SCHOOL-COMMUNITY DISPUTES AND INTERNAL ORGANIZATIONAL DISPUTES

Schools must deal with two kinds of disputes, political disputes and internal organizational conflicts.

Political disputes occur when one of the contending parties is outside of the school hierarchy. The dynamics of such a dispute resemble the dynamics of a political campaign. Community spokesmen adopt roles similar to those played by leaders in a minority political party who are attempting to unseat or gain concessions from a majority party that is in control.

Spokesmen for the schools act very much like a majority party, attempting to make as few concessions as possible to their opposition or to adopt the good points in the opposition program while ignoring the proponents of that program. In the end it is often the disputant with the greatest political clout who prevails.

The second kind of dispute, which we will talk about later, is the internal organizational dispute. It can also generate a school disruption. In the third chapter of this report, a case study of such a dispute is presented with an analysis of its dynamics.

Clearly boards of education, teachers' unions and other tightly organized bodies have more political clout than do hurriedly organized community groups, usually somewhat loosely tied together by a single issue. What was of singular importance was the way in which Institute participants representing such groups, despite the diversity of their motives and aims, seemed to offer a fairly uniform strategy in attempting to force concessions or change in school systems. Unable to bring about compliance with their demands, they tended to move away from confrontation, which often took the form of picketing the adversary or in some way boycotting the school, to the stratagem of withdrawal.

Withdrawal: Liberation Schools, Community Control and Parallel Systems

As already observed, community forces sometimes must resort to disruption and confrontation in order to win real consideration from school authorities. When confrontation fails to produce results, frequently the next step is withdrawal from the school system.

The strategies of withdrawal which were discussed at the Harvard Institute were of three kinds: 1) limited withdrawal into parallel systems which would allow for

experimentation and the development of new models of instructional and organizational techniques; 2) limited withdrawal into subdivisions of existing systems with such subdivisions enjoying greater autonomy in decision-making and planning; and 3) finally, total withdrawal into autonomous subdivisions whose aims would differ greatly from the aims of the total system.

The first of these strategies came to fulfillment in the creation of the New School in Boston, a parallel system which has existed for three years. The second of these strategies came closet to fulfillment in the three experimental districts in New York City, I.S. 201, Ocean Hill-Brownsville and Two Bridges. In the third case the existing models may be some of the street academies in New York City and some of the temporary schools that are set up by community groups and students at the height of a confrontation with a local board of education. Other examples, perhaps the best, might be Washington, D.C.'s Anacostia Project and its Morgan Community School.

Whether such strategies represent a form of attack upon school systems as they are currently structured or whether they represent the first stage of a retreat from a confrontation that a community group is in the process of abandoning, can only be affirmed by the determination of the proponents of the strategy to keep the alternative school system alive.

But in each case, the strategy of withdrawal involves first of all a quest for leverage against school authorities during the immediate confrontation, and secondly, a quest for power to make decisions affecting the management of one or more schools in the district.

Schools as Liberation Centers

One conference participant, Mr. Charles Cheng, from Washington, D.C., objected to the present aims of education and proposed a parallel system of schools that would operate under community auspices and be devoted to the development of skills for assaulting existing institutions and practices, particularly within education, that promote war and racism. Mr. Cheng questioned the aims of education, arguing that:

> We do nothing in our schools to advise young men of high school age of their constitutional rights regarding the selective service--a system that schools should oppose. Young black men particularly should be advised that the real war for self-determination is here at home.
>
> Schools should discuss such issues as whether the drive for metropolitan government will do more than allow the ruling class to continue to control black cities and continue to control police, politics, and economics within black communities.

What comes through in Mr. Cheng's liberation school concept is not simply a reform outlook but a disestablishmentarian philosophy. He expressed a strong disenchantment with what he perceives to be the current aims of education and the attempt by teachers to inculcate principles through the use of subject matter that bores students, because it generally lacks both relevance and timeliness.

Mr. Cheng proposed resolving this issue through the transfer of power from central boards of education to local communities and a radical change in curriculum. In his words:

> Schools would become liberation centers. They would adopt and implement a philosophy that recognizes that blacks, and other third world people are an oppressed and exploited body of people.
>
> . . . schools would teach students the skills of how to organize against the system. Teacher dominated learning would end and the administrators would recognize that they are facilitators and consultants, not benevolent dictators who must make decisions for teachers, for students and the communities that they serve.
>
> Skills of organizing would be taught. Black youths, particularly, would learn the value of collectively fighting slum landlords. Black studies would provide youths with the skills to alter the welfare and health systems. And youngsters would also learn how to organize picket lines and gain practical experience, when necessary, by spending their day picketing in front of the local supermarket to drive down the prices of exploitive merchants.

Community Control

Although espousing somewhat different aims, Mr. Amos Wilder, quoted earlier, also saw the resolution of educational disputes between schools and their communities as largely related to the question of wresting control away from presently constituted school authorities. He argued:

> In view of the near complete failure of public schools to educate black and poor children, it is an affront to me as a parent whose vested interests are paramount to all others, that my right to control my destiny, the destiny of my children and the destiny of my community is being challenged by those who have no interest in me personally or in my community generally, and who have demonstrated documentarily and statistically and beyond a shadow of a doubt that they cannot or will not educate my children, for whatever reason they want to live with.

> . . . We know that in any discussion of the concept of community control of schools that the voices of opposition, whether speaking for the Board of Education, the teachers' union, or the professional administrators' organizations all sound the same. Nor do we underestimate the strength of the opposition for we know that he has at his disposal all of the necessary equipment to wage battle. He is educated and knowledgeable about public affairs and public finances. He is sophisticated in the intricacies of politics and in the manipulation of public opinion. He has the ability to confuse the facts and figures to serve his advantage. And above all else he has the support of the news media and the established, influential institutions.
>
> . . . (yet) The extent of community control and the extent to which our demands will be met must, in the final analysis be determined, not by school officials, Boards of Education, or teachers' unions, but by the level of the community's needs and the will and the commitment of its citizens. The question that school officials, unions and professionals must now face is how they may work best, if at all, within the framework of this new social dimension.

Advocating withdrawal from the system, attempting to establish new systems, trying to wrest control away from those in authority or some combination of these efforts are common tactics in political disputes. The motivations may overlap in some instances and diverge in others.

Dispute Generating Issues

The Institute indicated that some people who might naturally be thought of as "establishmentarians" are likely to support innovative or even radical changes. One of the harshest critics of the Washington, D.C., schools, for example, is Mr. Julius Hobson, who, at the time of the Institute was a member of the Board of Education. Mr. Hobson's remarks are given here, as an indication of the kinds of issues that trigger disputes, and the kinds of frustration that critics of school systems frequently express.

> Unless we can guarantee equity to children, they have no moral and legal obligation to cooperate with their own destruction. In fact, they will be idiots to continue in the direction of what is now little more than programmed retardation in most of our center city educational systems in the United States.
>
> Inert school boards and school administrations who are inherently incapable of dealing with these problems are hidebound. I question the need for a school board within this framework. I will be glad to see the day when boards of education, as we know them now, are no longer in existence. The Board of Education in

Washington, D.C., for example, is so designed that without the youth in our community, we would not have any real education. The only thing that has ever passed the board of a timely and relevant nature has passed because of the politics of confrontation.

Fifty youths have come down before us and said, we want Swahili, black history, intelligent sex education, a decent remedial program. We know that you are destroying us, and we demand that you get away from *Robert's Rules of Order* and deal with this problem. In fact, they have observed that you cannot run a revolution with *Robert's Rules of Order.*

Everything that has happened within the framework of this structure has really happened as a result of the politics of confrontation. But if you think you have seen some mountebank operations from the black community, what is going to happen when the parents in the white community decide that the split level rambler, the two car garage and the church pew and the average size family of four are not the values? That they are not fulfilling themselves on the basis of this accumulation and exhibition? What will happen when they realize that they too live in the ghetto and that they too are forced to crawl home every evening sometimes twenty-five or thirty miles to suburban ghettos after their nine-to-five jobs?

Perhaps, it is fortunate that the youths have already recognized ghettoized life-styles of suburbia and have decided early that they will have none of it.

Recently, I introduced a motion to stop suspensions in the Washington, D.C. schools. Stop suspensions, the motion said, until we can set up a due process procedure. The Supreme Court of the United States has raised the level of children to the level of grown-ups, in terms of constitutional rights. Whenever we get ready to suspend a child let's give him a hearing. Let's notify his parents. Let's not turn him out on the street. Let him come with someone to represent him, not necessarily a lawyer, but an adult or a friend. As a result, the teachers walked out of some of the schools. They claimed their authority had been taken away and that they could not teach without it. But we passed the motion anyway.

I received letters from some teachers describing themselves as "educated guardians of civilization," a fascist conept of I have ever heard one--right out of the mouth of Mussolini. It is not surprising that so many teachers of this kind spend so much of their time teaching our children dress codes instead of useful skills that will serve them in later life. Old men worried about little girls in miniskirts and whether little boys' hair is long or bush, or whether the blouses worn by little girls are see-through. Such things take up our time and our thoughts in public education in the District of Columbia.

So we did another memorandum. And we said in that memorandum that in order to put a child out of school because she has on a miniskirt, you must prove that that skirt in some way affects the education process. You just can't put her out because you don't like the color of her eyes, or the kind of clothes she wears.

Not one word about education during some of our meetings. Very, very hard to get the word education in at a board meeting. Expulsions, discipline. When are we going to shoot the children? Too often, this becomes the focus of our attention.

I am interested in seeing the kind of social change that I know is going to be necessary in order for this society to survive, and which the establishment is contributing to the destruction of. The institutions which most of us claim to represent and uphold are being flouted. Not by some guy who knocked over a liquor store in the ghetto, but by some superintendent who meets with a board of education and looks the other way while the resources are distributed unfairly. By some city council or some judge or governor who spits on the Civil Rights Act of 1966 and tells the Supreme Court to go to hell. Or by some idiot elected by disenfranchisement from Alabama, who says, "Now that the court has handed the law down, let them enforce it." By some fool who would introduce legislation in the Congress to give the police the right to pick up people indiscriminately if the police think they are going to commit a crime.

It is not surprising to me that the youths view this establishment as decadent and socially backward. And viewing it in this light, it is also not surprising that they are saying in greater and greater numbers that they have no stake in its survival.

Also, the view from 14th and U in the black ghetto is different from the view from Pompey's head in the white ghetto. Many black and poor white youngsters are not a part of the establishment. They are outsiders and, indeed, victims of the status quo. This fact, too, has not escaped their attention.

Triggering the Confrontation/Withdrawal Response

Mr. Hobson's statement, taken with those of Mr. Wilder, gives a good reflection of the kind of issues and feelings which are common among critics of the schools. How do feelings such as these come to a head in school disruptions? What heats up feelings so that they spill over into action?

Commonly, confrontation and disruption or withdrawal will be triggered by a specific action or event which is felt as just "one too many" by people who are already resentful and frustrated. The triggering event may be small, and even seemingly

innocuous; the critical factor is how exacerbated feelings have already become over how long a period of time. If the action which is perceived as unfair is also conspicuously high-handed, or if there appears to be a factor of deception, it is even more likely to set off a powerful reaction. The Amidon School controversy in Washington, D.C. is a typical case. It is also significant in that it was resolved through negotiation before a malevolent cycle of conflict arose.

The Amidon Plan

The Amidon Plan was initiated unilaterally by school authorities in Washington, D.C. The President of the Washington Teachers' Union, Mr. William Simons, described it as follows:

> The residents of the community were excluded from attending a new school which had been built in their area. This new school, the Amidon, had been declared an open school* and everyday one saw chauffeur-driven cars, private cars and taxicabs bringing students to and from the school.
>
> Children within walking distance of the school were excluded from attending it.
>
> Now whether anything was going on in that school that was different from the other schools really did not matter. To the best of our knowledge nothing was going on that was better, but when the people got the idea that this school was something special because their children could not attend it, they decided to do something about it. They were not interested in taking control of the school but they did want to see a change.
>
> The Union sat down with them and helped them to draw up a plan and we supported that plan before the Board of Education and eventually the Amidon Plan was discarded.
>
> The new proposal was called the Tri-School Plan. It involved combining the three schools in the Amidon area into one administrative unit. The first and second grades were enrolled in one of the schools, the third and fourth in another, and the fifth and sixth in the third. In this way all of the children in the community could enjoy the experience of going to each of the schools in the community.

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*An *open school* is one whose student membership is not drawn from a fixed district but generally from throughout the city. Usually the number of students within the immediate vicinity who may attend such a school is limited.

Mr. Simons pointed out further that the ingenuity of the Tri-School Plan did not satisfy all concerned but that parents, from that point on, have been involved in making additional changes in the attendance and districting patterns affecting the schools in that area. Involvement and participation of the community, though it did not eliminate disputes, did tend to focus them in constructive channels and to diminish their intensity. In this case conciliatory action by the teachers' union defused a potentially explosive situation.

The Morgan Community School

Mr. Simons also described the role which the Union played in the establishment of the Morgan Community School, a project which stands out in marked contrast to the Amidon venture.

The Adams-Morgan Community, located in Washington, D.C.'s northwest section, had grown dissatisfied with the operation of the Morgan School. Spokesmen first addressed themselves to major problems of concern: the overcrowded condition of the school, classes conducted in the auditorium, some of the students on part-time shifts, and the treatment that parents received from the principal or from some of the teachers when they visited the school. They drew up a plan designed to correct these problems.

Midway along the formulation of that plan they decided to go all the way and to ask the Board of Education for complete control of the school.

Contacting the Union, they asked for support and for advice in drawing up a proposal for a community school. The Union agreed and together the Union and the Morgan Community School organization drew up a proposal which was submitted to the Board of Education. By September of 1967 the school was underway.

Simons points out that it is still suffering some "growing pains" but that the experience has provided a sense of closeness between the Morgan School and the community residents that was non-existent before the experiment began. One indication of its inherent strengths has been its ability to survive the loss of the original chairman of the experimental board, who died, and the loss of the school's first principal, Mr. Kenneth Haskins, who now heads another experimental school in Boston.

The failure of the Amidon Plan and the success of the Morgan Community School demonstrate the value of planning and negotiating with the community.

A Board Member Comments on the Morgan Community School

Mr. John Sessions, also a member of the Board of Education in Washington, D.C., discussed the limitations of the politics of confrontation and advocated the introduction of mediation techniques in the settlement of disputes between schools and their communities. He saw the Morgan Community School as an application of this concept, because a broad base of representation was built into the structure of the school and its governing bodies. The interplay of various interest groups, students, parents and teachers, helped the resolution of issues before massive disputes developed. Mr. Sessions commented:

> . . .it seems to me that somehow the politics of confrontation has got to move into a new phase and a constructive phase in which it can bring things about rather than simply reallocate the existing scarcities in a school system. We need a new phase in which we can be constructive and I would like to suggest that we need a new model in our society for regulating human relations. I believe that working men who have gone through the experiences of confrontation and developed the system of collective bargaining in American industry have provided us with a model.
>
> The Morgan Community School is created very much in the mold of that collective bargaining model. There has been a good deal said about the Morgan Community School, but I think much of it misses the essential part of the experience. It is probably the only school in America governed by a board that has seats on it specifically reserved for students, who are one of the parties with a very real interest and occasionally a very different interest from that of the teacher or the parent.
>
> Sometimes we forget that parents are often notoriously bad judges of what is good for their kids. The Morgan Community School Board has seats reserved for parents and members of the community; it has seats reserved for teachers. I think, surely, the Morgan Community School must be one of the only schools in America in which there are seats on the governing board set aside specifically for teachers. It represents a bringing together of every legitimately conflicting interest to be taken into consideration if that school is to move forward and achieve progress.
>
> It seems to me that Morgan represents an application of the principle of collective bargaining that has developed over the years in American industry to the problems of the community and the various segments of that community.

10

A Case of Confrontation and Withdrawal

All situations do not work out as smoothly as the Morgan example nor even as amicably as the Amidon/Tri-School case. Sometimes the confrontation fails and the result is withdrawal from the system on none-too-friendly terms. Mrs. Bernice Miller, former headmistress at the New School in Boston, explained to participants how the parents whom she represented had come to the decision to create a "community school." They decided to withdraw from the Boston Schools, after years of attempting to negotiate issues with Boston school authorities had proven fruitless. What was at issue in this case was the performance of youngsters representing a cross-section of racial strata and high, middle, and lower levels along the income scale. The failure of the schools to educate these youngsters could not be supported by most of the traditional arguments having to do with social class and economics. Mrs. Miller commented that:

> My parents were young and vibrant and concerned about their children. I would say that they had, on the average, three children per family. That means that some had one and some had five.
>
> Incomes ran from roughly $3,000 to $39,000 a year. There was one family with a higher income. These parents had, in the usual way, gone to the schools, spoken with teachers and spoken with the principals. Up to that point they had not become involved in confrontations. But as the parents increasingly came to believe that they were not being listened to, that they were in some way unable to communicate the gist of their problems to the school administrator and the teachers, and that they were called to the schools only when their children were in some way behavior problems, the mood for confrontations began to evolve.

Mrs. Miller also made the point that the act of withdrawal from the Boston Schools was aimed at winning the freedom to teach and to experiment. Parents wanted a system that was, in her words:

> . . . free of the bonds that confine the teachers in the (target) system. . . .(for example) if there is going to be a feasibility study of what the effects of a black administrator may be on a black pupil population, as has been proposed in Boston, the parallel system is one model to look at to see if the practice can be replicated . . . in the target system.

The New School, three years later, is still in operation. Other withdrawals from the Boston Public Schools have occurred, among them the Roxbury Community School and the Highland Park Free School, largely spurred by black residents of Boston who see no future for their children in the public schools.

Negotiations as a Dispute Settlement Process in the Schools

Institute participants were given a step-by-step explanation of how New York City opened up communication channels between polarized groups and of how it expanded participation in the decision-making process after the Ocean Hill-Brownsville strike occurred. The techniques employed were essentially those common to collective bargaining. First, efforts were made to mediate between the disputants, who were often students and school authorities. Representatives from the Mayor's office served as mediators.

Case I

At a high school in Manhattan a demonstration occurred. No police were called in. The school had a population of 4,300, 85% black and the remainder either white or Puerto Rican. The demonstrating students numbered twenty in all. Their action was taken in support of a set of demands which they had submitted to the superintendent of schools. Mr. Vernon West of the Mayor's office gives this account of the process used in resolving the dispute.

> After presenting their demands, the students decided to back them up by demonstrating. This demonstration, the closing of the school, was the only tool they had. It was the only threat that they could pose to force administrators to sit down and talk. Prior to the time that school was closed, the administration had indicated an unwillingness to talk.
>
> Students decided that they would force the administration to take notice of their demands by disrupting the classes.
>
> Although our office was aware of the developing crisis at the school and had tried to contact the principal earlier, he had also been unwilling to talk to us. Our presence in any school seemed to pose a threat to a principal. But after the demonstration began, we got a frantic phone call. Help!
>
> Quite honestly, after we were invited to take part in the situation, we did not know what to do at first. But one of our main objectives was to keep the police out. We did not want to see the students abused or manhandled in any way. At the same time, we wanted to do what we could to help the students and the administration resolve their differences so that they could continue to work together. But try as we might, the task of being all things to all people is an impossibility. So we were soon in the role of just plain messenger boys.

When we first entered the building, the administration and the students had not talked. The administration had not even seen the students' demands. Our function was just to get the two sides to talk.

This is how we did it.

We relayed from the principal to the students the fact that the students were ready to talk and the principal was ready to talk. And out of this, we finally were able to draw up what we consider to be guidelines for negotiations.

We came up with an impartial chairman. One of us was chosen by the students and by the administration to be the impartial chairman. We demanded that there be a clear definition of the demands by both sides, a limited number of spokesmen, a limited number of advisors and observers, a record of all proceedings, a right for both sides to caucus, an order of business, and the agreement that final terms of memorandum would be written down and that such an agreement would be binding on all parties. We added a clause expressing the intention of all parties to support and implement the intent of the memorandum of understanding. Finally, we left them a mechanism by which they could initiate new negotiations and discussions, which in the final analysis, is the kind of contribution that we felt we should leave in every situation. Whether parties will use it is, of course, another question.

Well, finally the students were able to sit down with the administration across the table. All kinds of psychological dynamics went on. The administrators did not like the students smoking. The administrators did not like the students referring to them as "you." The administrators were upset because their teachers thought that they were selling them down the river. The students, on the other hand, were aggressive and less bothered by the absence of the usual formalities. They were better able to focus on what they wanted. The real difficulty for the administrators was that at the bargaining table the parties became equals. Another difficulty stemmed from the knowlege that the students on the outside were being informed of what was going on at all times and it was clear that they could bring on the demonstration to heighten the tension if it became necessary to do so.

At first the students really did not know what conciliation or negotiating was all about and did not realize what kinds of things they could do. But they learned and they kept their eye on what they wanted, refusing to be sidetracked by some very subtle and complicated maneuvers. Their leadership developed and became stronger.

This particular high school with its very strong student leadership and working with adult guidance succeeded in getting what it wanted from the New York

School System. But the encounter did not end on a happy note. They got what they wanted on paper, signed by the school administration. But later the administration tried to back out. Although the student leaders were seniors, they trained the juniors and the sophomores in the process while it was going on. And they also had the final threat of up against the wall--here we go again.

Now these students could not have achieved anything without the cooperation of parents, other students and even teachers.

But as I indicated, things did not end on a happy note. Even up to the last day of school, the principal was trying to avoid implementing the agreement through efforts to redefine what he had said earlier and to find technical loop-holes in the signed agreement with the students.

Mr. Jules Manson, also of New York, elaborated further on the case.

The Board of Education took action in setting up guide lines for the establishment of a channel, a process as Mr. West indicated the necessity for when he said that the students might have been disappointed about what they worked out.

There were three people, Frank Doherty, Ed Levin and myself who were very much concerned about how to meet some of the confrontations which were taking place in the various school systems throughout the country. Mr. Doherty took the matter up with the state commissioner who made available some funds which would allow for experimentation with the techniques of mediation or arbitration in resolving school disputes.

One of these processes involved a grievance procedure for implementing agreements. It was necessary to have a way of enforcing an agreement so that the parties or one party does not back out of it. The Board of Education set up guidelines for a structure called Consultative Councils to be made up of five administrators, five teachers, five parents, and five students to deal with violations of or problems related to school-community agreements.

THE ANACOSTIA PROJECT

Not only is the technique of negotiations effective in settling a dispute as illustrated by the previous case but may serve also in dispute prevention.

The Anacostia Project is a good example of how such negotiation brought laymen and professionals together in planning a program that had the potential for being as

devisive as the Ocean Hill-Brownsville Project in New York City. But the give and take which occurred in the creation of the Anacostia Project led to an outcome which was profoundly different from the New York experience.

Negotiations as a Preventive Measure

The Anacostia Project is an example of good planning, communication and negotiation.

The project began as an outgrowth of a needs workshop which occurred in June, 1968. Ten sub-groups, representing a cross section of the community focused on educational needs in Anacostia, an area of high socio-economic disadvantage, high drop-out rates, truancy, reading scores below both the national and regional norms, and high pupil-teacher ratios. By June of 1969 the original ten sub-groups had expanded to include persons on the basis of geography and affiliation with interest groups in the community. Although teachers were included, all members were partners in decision-making in this community school project.

Eventually the sub-groups reached forty-six in number. The Anacostia community planning council operating under a contract with the Office of Education was required to assure significant community participation in the project.

James Coates, President of the D.C. Board of Education reported that "It is the focus of the community planning council to be concerned not merely with equipping the approximately 12,000 students in those ten schools with skills to qualify for certain kinds of employment, but to do something about individual and social problem-solving and to equip those students with the attitudes necessary to act as social change agents." Mr. Coates also explained that the Washington, D.C. school authorities had witnessed in the Anacostia area two anti-poverty programs and a series of coordinating social services tacked together to form a package. This effort was the predecessor to the Anacostia Project. Owing to a low level of funding it was unable to bring about sufficient change in the community.

The Anacostia Project represents another strategy. It provides communication with thousands of home owners in the area and through the vehicle of a community planning council, parents and their supporters have begun to create through the schools--largely through their influence at the administrative and faculty level--a kind of orientation that will help students acquire skills aimed at bringing about changes in welfare, housing, health and recreation.

Anacostia may be viewed as a broad "liberation type" program. Implicit in its structure and in its aims are concessions by the Central Board of Education to the Anacostia Community that will enable that community to attack issues directly.

The Role of the Washington Teachers' Union in Supporting Anacostia

William Simons pointed out that members of his organization who were affected by the creation of the experimental project in Anacostia were not without their misgivings. Said Simons:

> Many teachers in the Anacostia Project objected at first to the fact that the project brings in community residents, many with less than a high school education and places them in the classroom to work with students. Their strongest objections were voiced over having to leave their classes with these community assistants for one half day a week while teachers attended in-service training workshops.
>
> Some teachers argued that the workshops be suspended or that the youngsters be sent home rather than required to attend class under the supervision of the community assistants.
>
> The Union leadership finally convinced its dissatisfied members that the students, in going home would be under the supervision of persons just like the community assistants in the classroom with the exception that they would not be a group with the training of the assistants nor would it be a group previously subjected to a screening process.

In the end Union teachers in Anacostia supported the project.

Undoubtedly, the germ of a school-community dispute was present in the teachers' attitudes toward the non-certificated assistants. The stance taken by the Union leadership changed enough attitudes, at a propitious moment, to prevent this attitude from becoming epidemic.

SUMMARY

Recommendations implicit in the presentations by Institute participants were that disputes be resolved effectively through the following means:

1. Cooperate with community groups in the establishment of sub-systems; attempt to learn from experiments carried on within such systems.
2. Encourage the development of a collective bargaining model for the resolution of disputes.
3. Plan for change or innovation with members of the affected communities. Include students in planning. Consult with students in the development of all school programs.
4. Eliminate all barriers to the inclusion and elevation of blacks and other minorities within school systems.
5. Encourage a form of school funding that will end the monopoly of education held by big centralized districts.

None of these recommendations represents the view of the conference convenors or participants as a whole. They do represent the variety of responses that one or more participant(s) at the institute either openly espoused or supported during the three days of sessions.

Chapter II

What is apparent is that a school system by the simple dynamic of opening its decision-making process to other parties having legitimate interests in the schools can sometimes resolve some very bitter conflicts. Of course there are problems in transferring techniques from one variety of disputes and attempting to apply them to another. Lewis Kaden, arbitrator, discussed these difficulties.

ARBITRATION AND MEDIATION: TECHNIQUES FOR RESOLVING SCHOOL DISPUTES

Lewis Kaden, Arbitrator

The first question that comes to mind is "What do we mean by community disputes and why does there appear to be so much contention and conflict in the society today? I suppose that the answer probably lies in the extent of organization in our society. Techniques that developed when the labor movement grew up are being adopted and put to use in all sorts of different areas. They were first adopted, as we know, in the Civil Rights Movement in the '50's and early '60's, where groups learned the value of concerted action and learned the potential, using the techniques of picketing, demonstrations, and strikes. But today those techniques have been picked up and adapted and developed in all aspects of community life, so that the situation with which you were most familiar in schools, is just one side of the problem. The same situation, of course, has been a major factor in university life in recent years. It has spread to other problems. I myself in the last six months, in addition to a variety of labor disputes, have been involved in a dispute between power professional workers in a community mental health program in the Bronx and the hospitals administering this program. I have been involved in student disputes at C.C.N.Y. and other places. This tendency towards organization naturally produces conflicts. Groups with competing demands find themselves coming head on against one another. The question then is: to what extent have we developed techniques to resolve this problem, these competing demands, before the conflict reaches proportions that the society is torn down and the community is destroyed?

I recently saw a quotation from John Gardner speaking out at Stanford at the inauguration of the new president there, in which he said that there is fear on the campuses across the country and that the community is split down the middle by dissent, and the question now becomes whether or not these communities or universities can really survive. This is a question that Malcolm Cowley would have laughed at not too long ago, but it is no longer a laughing matter but a very real situation. He quoted Cowley on the problem of conflict in society. Writing quite a long time ago, Cowley said that the situation had reached the point where friendships

were broken off and people could no longer endure the little hypocrisies that allow our relations to remain stable. In some sense that has been an experience that those of us involved in university disputes have come face to face with.

I would like to make a couple of observations before going into the question of what the difference is between negotiations in a labor situation and in dispute settlement in the community that makes transferral of these techniques difficult. The first observation is that the important institutions of this society -- both governmental and private -- have to respond to change and changing demands. The question is: how should they respond and what form should this response take? How should we prod the response of institutions which by nature and heritage are reluctant to act? I think that there can be no dispute that the experience of the last few years has shown that groups that are organized, both in the Black community and in the white community, both among students and among parents, both among producers and consumers, among horses and jockies for that matter, have demonstrated that there have to be institutional changes and no mediation is going to affect change unless the institutions are geared to change.

My second observation along the same line is that there is no way that you can mediate a right that is granted by the law. I spoke at a meeting run by the legal defense fund of the N.A.A.C.P. a while ago and the question came up that certain civil rights were established by the laws, particularly after the last few sessions of Congress, and how do you come into the situation involving employment discrimination or school segregation and say that you want to mediate? And the answer is that you can't mediate a civil right. What is granted by a civil law, whether it is the right to equal treatment in employment or the right to desegregated schools, is a right that has to be enforced by law and enforced with all the machinery of law, and is not the job for a mediator or for negotiations. But many demands that groups bring up against one another are not of that variety. The demands that we have seen in the schools -- students desiring a greater role in the administering of the school or students desiring a piece of the action in designing curricula, in running the university in all respects -- are not subject to any law so that you can pass that dispute on to an impartial or judicial body and say, give us a determination, here are the inequities, here are the rights, let's have an answer. Each claim is legitimate but the claims are conflicting. In fact in the university disputes I have been involved in, the claims of various factions of students conflicted among themselves and there is a problem of resolution on that side of the table as well as between the two sides of the table. So the question is where are claims legitimate but competing? Do we have any techniques at our disposal to resolve these types of questions?

It naturally comes to mind to see to what extent labor-management can be used in the community environment. Several problems emerge and I would like to briefly run

through those. The first is that one thing that impels settlement in a labor-management situation, that gives rise to the set of rules that governs the relationship, that enables the settlement in most cases, is that there is a spirit of accommodation, an interest in settlement on all sides. The workers, particularly in private employment, cannot exist without the plant functioning, and the plant managers cannot maintain their business without the workers. That of course tends to combine, tends to give the dispute impetus for settlement. In the community area the politics are much different. The first principle is that no mediator, no outsider comes into a situation to tell any group or party what to do or to tell any group or party what its political necessities are. The confrontation is a legitimate political goal in a particular situation and sometimes experience has demonstrated that there is no need or interest in a settlement. But where that interest is lacking, where the party does not have an interest in a settlement, within a confined time period, the problems of defining a relationship and putting parts together, finding the basis of accommodation that is mutually acceptable is much more difficult.

This brings to mind an experience that Theodore Kheel had during the spring of 1968. Through an intermediary he was brought into a university which was occupied by the black students and upon meeting the leaders of the black students was asked what his proposal was. This was after the hall was occupied for some time. Kheel said that he would not disclose his suggestions unless he could be assured that the black students would consider his proposals. The student leaders knew that their acknowledgment to consider the proposals would be in effect a major change from their prior position, an indication that an accommodation was something that they did not rule out. They met in caucus for four or five hours deliberating the question of whether or not they wanted to hear this proposal. They ultimately decided that they did not want to hear it.

The likelihood of something along these lines proposed by Kheel being accepted and providing the basis for accommodation, had the police not been called in the following night, is something that is still speculated. In any case it is this interest in accommodation that is a prerequisite for negotiations and the question is whether this exists to a sufficient degree in a particular situation.

The second factor which makes community disputes more difficult is the multiplicity of parties. In the normal labor situation, there is an employer and a group of employees. The group of employees have many factions among them and each faction may be represented on the negotiating team. However there is still a duality of interests, a two party situation which makes for much more confined dispute. This, as you know, does not at all exist, either in the schools or in the universities, which are relatively well structured. I have heard said that there are twelve publics which a university president has to look to. But I think basically the parties that are interested

in the settlement are the faculty, the students, the different groups within the students, and the university administration.

Within the schools, there are even more groups: there are the parents, there are interested community groups, there are students and teachers as well as government and boards of education. This multiplicity in any situation where there are a great many groups seeking a place at the bargaining table makes resolution by far more difficult.

The third problem which I wish to point up is the question of representatives, the selection of representatives. The process of collective bargaining is a process of group communication and groups consist of sufficiently large numbers so that representatives are a necessity. The reason that collective bargaining is a more intricate and sophisticated process of communication than simple discourse is because of this need to talk through representatives. The representatives in turn have a dual obligation, to bargain for the best deal that they can get at the table and to convince the constituents that they have been well represented. In the labor field there are articulated procedures, provided by law for the designation of the bargaining representatives.

Organizations elect their representatives to sit at the bargaining table. The situation in community disputes whether in schools or in other community groups is much more difficult. Leaders come and go more quickly, there is much less stability and those active in the labor field know that an insecure leadership situation makes settlement much more difficult. The question of how representatives will be selected within any particular unit is related to the question of what the appropriate unit should be. In universities around the country it has been recognized, and I think legitimately so, the black students have different demands, different interests from the student body as a whole. To talk about black students as being part of the whole student body with the same concerns and with the same requirements just doesn't make sense, for they themselves see themselves as part of a much broader movement, related to black groups outside of the university. Therefore, while they have some interests in common with other university students, they have many interests which are separate, which pushes them towards a definition in effect as a separate bargaining unit, something that at C.C.N.Y. in the course of negotiations was implicitly recognized by the administration. This problem of selection of representatives and definition of the appropriate units is something that we have just begun to think about in the context of community disputes.

The final problem is the method of participation. The question is how should the various units participate. There are several ways. The first might be through discussion, through simple consultation. On some topics universities take the position that students have the right to be consulted, their views can be anticipated and considered,

but that the decision-making process lies on the university side. On the other side is the notion of collective bargaining, of bargaining towards an agreement that is essential to the ongoing relationship. This is of course the situation in private employment. "No contract, no work." This is a paradigm concept in labor management relations, as John L. Lewis first put it. In universities the demand is often for bargaining. Students want to participate in a decision-making way. The question that has to be resolved point by point is on which matters is there going to be bargaining and on which matters is there going to be discussions. Somewhere in the middle there is negotiations. This too is related to the role of the strike and other forms of pressure. This is another item on which there has to be much more thought, much more analysis of what its proper function is in any particular situation. The role of the strike is, of course, a very critical question in public employment where strikes are generally prohibited, but where as a result instead of collective bargaining taking place there is something else written into the law. In New York it is called collective negotiation. It has been Ted Kheel's position, and mine as well, that collective bargaining, the notion of bargaining towards an agreement that is essential to the ongoing relationship cannot exist without the possibility of strike. It is that pressure of withholding service that makes the process work. It provides the impetus for finding the basis of accommodation. A leading mediator in Canada said that that statement was a lot of nonsense, that the union demand for the right of strike as an essential prerequisite to collective bargaining just didn't stand up because he looked at the situation in New York of the past couple of years under the Taylor Law. There has been a lot of bargaining and a lot of negotiations and yet there wasn't the right to strike. But it is the possibility of the strike, not the right to strike, that makes bargaining work, and there has been bargaining in New York City and in many other parts of New York state, and in many cases there has been bargaining because of that possibility of a strike. In some cases as you know the reality of a strike has not been unknown. The possibility of a strike is a factor in the school negotiations that have just ended and has been a factor in every school negotiation in New York.

I was a mediator in the Jersey City teachers dispute where there had been a strike, and the possibility of that strike continuing was a very real factor in the bargaining process. In the community situation, the role of the strike or other forms of pressure has not yet been determined or really looked at with any care. Experience would indicate that the only way you get a response from an academic institution particularly a university, is by seizing buildings, and it is very difficult for a university administrator or for anyone else to tell students that they shouldn't seize buildings, when their own experience demonstrates that the only way they get a response is by that form of action. What has to be done is to develop the techniques that will assure a response from institutions with that kind of power short of the legal action-confrontation type of action. Now those are the problems that make this a rather hazardous undertaking.

One of the techniques that we believe has some potential for adaptation is simple mediation. Mediation, not in the sense of dictating decisions, not in the sense of taking part in determining the nature of the institution, but simply assisting parties to communicate.

The mediator is, as most of you know, simply an aide in the communication process. He helps each side to understand the other's position. He takes care of the housekeeping details in negotiation, such as location, time, the order of the sessions etc. This type of situation we have seen on the international as well as the labor management level. His function is aiding parties who have a certain hostility towards each other, whose relationship to each other is strained by past history, who find themselves shouting and screaming. It's the mediator who can help in that kind of situation. Our experience has been that there is an interest in having someone to talk to other than your adversary. The problems differ and the kind of procedures that have to be developed differ; hence a great problem was that the students didn't know where to go with their demands. Each student group would have a different set of demands and they would be shunted from one official to another. They would go to one office and be told to go to the next. Many were supposedly unrecognized and many could not get in the door to any official. After some preliminary meetings, we proposed an office which would channel those student demands to an appropriate official and see to it that the university responded within a specified period of time and responded in writing. At Penn State that was a useful procedure. At C.C.N.Y. that wasn't the problem at all and that kind of procedure would have been laughed at. This is a very varied process. We are in the process of studying how groups interact; how they resolve their problems.

The demand for the abolition of the R.O.T.C. at Columbia was non-negotiable. Charles Hamilton, on the other hand, who has sufficient credentials in any community, said that in a pluralistic society, no demands are non-negotiable. The thing that I think we have to develop an awareness of is that one concedes nothing by negotiation. One concedes nothing by recognizing the need for accommodation. One concedes nothing until one changes his position, and you don't change your position until you decide that the political requirements make that possible. I think that this is an area of great challenge. Those of us who are looking toward the utility of mediation in some of these areas don't know at all whether it will work. Those of you who have been involved in school disputes, in labor-management disputes, and in teacher-administration disputes, I'm sure have as mixed expectations as I do. To my mind it is an experiment worth trying and something that we're going to be involved in for a long time.

SUMMARY

(1) Current conflicts indicate, among other things, the need for institutional change in society. Mediation can be of little benefit unless institutions are prepared to undergo change.
(2) Rights cannot be mediated.
(3) There are problems in applying collective bargaining techniques to disputes involving schools and communities.
   (a) Collective bargaining techniques work in cases where both sides want a settlement--a condition that is sometimes absent in school community disputes.
   (b) Identification of legitimate representatives is easy in labor disputes but extremely difficult in school-community disputes.
   (c) Defining the level of participation, i.e., limiting such participation to discussion on the one hand or inviting full negotiation on the other is a real problem for parties in school-community disputes.
(4) Experience does indicate that radical confrontation, e.g., the seizure of a building, gets a hearing with a busy, administrator whereas a simple, direct request generally does not.
(5) Mediation can work in school-community disputes.
   (a) The mediator is an aid in the communication process.
   (b) The mediator takes care of the housekeeping details, e.g., location, time of meeting, etc.

CHAPTER III

THE INTERNAL SCHOOL DISPUTE

All of the disputes between schools and their communities do not generate from outside the school. Sometimes internal grievances become such heated disputes that they inflame the climate beyond the school.

Students may pick up hints of faculty quarrels or discontentment. Sometimes there is dissatisfaction between the staff and an administrative superior. Administrators or policies may be (or appear to be) unfair. Staff may regard their assignment to a given school as a diminution of professional status. Or professionals belonging to a minority group may believe that they are discriminated against. These and many other factors may lead the affected parties to speak disparagingly of their school, their colleagues or their students. Such comments multiplied by the number of negatively affected personnel have the impact of a concentrated advertising program calculated to destroy the morale of students and staff and to wreck the confidence of the community.

The following case study was taken from the files of one of the teachers' organizations represented at the Institute. It involves an internal school dispute that occurred at a school which later experienced a student boycott. It provides some valuable insights into dispute dynamics for it is illustrative of the manner in which some disputes tend to recycle through confrontation after confrontation with issues being joined each time. Meanwhile the anger of the disputants grows in intensity. This study, prepared by a teachers' organization, naturally reflects a teacher bias. The facts, however, with respect to allegations, denials and actual occurrences appear to be accurate.

Case II

Principal - Teacher Dispute

A year before students staged a massive walkout at Central District's Peabody High School demanding, among other things, the ouster of the school principal, Mr. Joseph Covington, a second-year math teacher, Miss Ann Smith, was rated unsatisfactory. A grievance filed against Principal Covington a year later mentioned Miss Smith's rating as one of the factors which moved teachers to the point of openly supporting the students in their confrontation with the principal.

The initial cause of the conflict in the unsatisfactory rating dispute was essentially the disputant's conflicting views with respect to the justification for giving a student a failing mark. The confrontation between Miss Smith and Principal Covington escalated into other substantive issues. Principal Covington later alleged that Miss Smith was

unsatisfactory in several areas including the keeping of attendance records, lesson plans, tardiness and absenteeism.

Miss Smith charged, in turn, that Principal Covington's rating contained one inaccurate allegation (on attendance reporting), and that it contradicted an earlier statement by him that she would not be rated unsatisfactory. She further questioned the principal's motive, the tone of her response implying strongly that the alleged basis for the rating was not the real basis.

All of the data pertaining to this conflict were taken from the files of the Central District Education Association. The source is admittedly biased but the accuracy of Miss Smith's rebuttal is substantiated by the testimony of other teachers as well as by the observed practices at Peabody High School during the time when this dispute occurred.

The Central District Education Association gathered information on this case in the role of an interested third party working in Miss Smith's behalf but it did not intervene in the matter. No duplicate copy of the principal's rating was available in the Association's files. The incident occurred prior to legal collective bargaining in Central District and Mr. Covington, like other principals, was not required to submit his rating to any parties outside the administrative hierarchy. In this case Miss Smith saw the rating but she was not given a copy. Her statement follows:

> I maintain that I have not been an unsatisfactory teacher at Peabody High School. No negative statements concerning my actual teaching have been made on form 4045. Neither the principal nor the assistant principal have ever entered my classrooms.
>
> On the first day of the first semester that I was at Peabody, January, 1964 – June, 1964, I met with Mr. Covington and the two other teachers who were to begin their first term at Peabody. The statement Mr. Covington made regarding school policy and philosophy for grading students at Peabody was that "we take the students from where they are and go on from there". He did not say that there was an upper bound for the percentage of grade "E". [Failure] I deduced quite logically that it is entirely impossible to take a child in mathematics from where he is not in his thinking pattern and expect him to do problems involving ideas and methods to which he has never been exposed. Therefore in my classes I continually review definitions of terms, the meanings of which are most necessary to the solving of the math problems given in the texts.
>
> At the end of that semester Mr. Hooks, math department head, told me that I had given too many "E's" and "Joe is going to 'hit the ceiling'."Also, that first

semester my program began second hour at 9:00 and I would enter the building between 8:00 and 8:40. That semester I received from Mr. Covington a rating of satisfactory in all points. I had thought that a teacher with a late program could arrive later than 8:00 but early enough to be on time for her assignments. This I did and received no reprimand.

The second semester that I was at Peabody, September, 1964 – February, 1965, it happened that I had two Math 4 classes in which the students seemed incapable or not the least bit interested in acquiring the skills presented in the text, during the first card marking period, and for this reason I with a clear conscience, did give "E" to the majority. In three of my classes attendance was extremely poor. As the term grew on I was able, obviously to get to know the students' actual ability. This was not possible to be done during the first weeks of the term. The first weeks of each semester at Peabody seem to "go down the drain" anyhow because of class shifting and late returnees, and absenteeism is most high. In fact absenteeism is high at Peabody all the time.

A few days after that first card marking period, Parent Teacher Conference day was held, November 5, 1964. Mr. Covington had a note put in my mailbox that morning stating that I was to see him. Mr. Adolph, the assistant principal, was present at that meeting. During the discussion Mr. Covington raised his voice to me a few times and spoke to me brusquely, saying that I had better change my system of marking and that maybe I didn't belong at Peabody. At this time he asked me if I had marked this way at the King School. I told him, yes, for the first card marking and I reminded him that this was first card marking and those marks, which were a true indication of the students' performance, would "wake the students up". He told me that most of the students did not have the ability to do that work so I asked him why, then, would they have been put in those classes. He snapped that it was a long story, that it didn't matter and that the students were in those classes. Nevertheless, that was the last high failure report that I sent in. Many of those "E" students did work much harder.

On December 18, 1964, I arrived to school at 9:40. I did not call in to notify anyone that I would be late because my program began at 9:50 (classes change from 9:45 to 9:50) with a study hall duty, and I knew that I would get to school on time for the beginning of my assignments and I did. On this day Mr. Covington had me to come into his office and at that time he told me that he would give me an unsatisfactory rating because I was not getting to school on time. I asked him if I would be marked unsatisfactory just on punctuality or on everything. He told me "on everything because if a teacher can't get to school on time it's just no good". I reported this to my department head and he told me there was nothing to worry about and that he did not believe that Mr. Covington would give me an

unsatisfactory rating because he hadn't said anything to him about it. Later I asked my department head if he thought I should ask for a transfer. He told me, no, not unless I just wanted a transfer, and that he was satisfied with my work at Peabody and, that I was doing a good job. He said also that Mr. Covington could not rate me by himself, he would have to be called in too, along with the supervisor.

A conference was held on January 12, 1965, between Mr. Covington, Mr. Adolph, Mr. Thompson, the math supervisor, and me to discuss the matter of the unsatisfactory rating. At this time the only point that Mr. Covington could have against me was that of not coming in at 8:00. I expressed that I had thought that since I had a late program it did not matter that I came in after 8:00. Mr. Adolph, during the conference, said that I handled my classes well, that I stood for no "monkey business" which he thought made a "good atmosphere for the students". He could make this observation because on several occasions he had entered my classes. Mr. Thompson had sat in on a Math 4 class and an Algebra 1 session. He stated that I had a good background in mathematics and that I presented the work well. At this meeting it was decided that I would not be given an unsatisfactory rating.

[Mr. Covington also accused Miss Smith of poor record keeping. He alleged that:

> "On 1–13–65 Mr. Werdlow, counselor, reported to Mr. Covington that Miss Smith had reported that Spencer Overton had not been in class since November 10, 1964. She had never sent a form 1013, absence form to the counselor to indicate absence."

Miss Smith responded:]

It is certainly not true that I never sent in a 1013 on Spencer Overton. Also the 8½ x 11 card (white) on file in the Office for Spencer Overton last semester states that on *January 6, 1965* I reported that Spencer had not been in math since November 10, 1964 and that on checking it was discovered that he had not been in three classes for that same amount of time.

I had thought that such a notation written on that particular 1013 of January 6 would place such emphasis upon the boy's absenteeism that action would be taken which would cause him to return to class. I kept no record of the 1013 slips which I sent to the counselors nor of those which had been returned to me. I asked Mr. Werdlow if he kept a record of the 1013's and he told me, no, that he answers them and sends them right back to the teacher. Also Mr. Werdlow's Journal of September, 1964 – February, 1965 records that Spencer Overton's name appeared on the absence list 36 times. Several of these were within the time period of

November 10, 1964 to January 6, 1965, and for those particular times no 1013 is required. Then too, Christmas vacation was during seven of the days of that time period. Spencer's 1002 records additional days of absences and skips, and notations are made that he was excluded and suspended several times last semester.

My daily plans, record book and texts are kept in the bottom desk drawer in 213 (Room). Evidently all of this has been overlooked.

Concerning absences, I feel that I should not come to school when I am ill and that it is my duty to call the school when I am ready to return rather than to have the principal or any other school official to call my home if I am absent less than ten consecutive school days.

Sincerely,

Ann Smith

To understand this relatively uncomplicated dispute, one must be able to answer at least six questions.

1) What was the triggering event

   a. as the principal perceived it?
   b. as the teacher perceived it?

2) What does either the confrontation or the impasse reaction reveal the causative conflict factor to be?

3) Does the available information support either the teacher's or the principal's perceptions?

4) What does an analysis of the disputants' perceptions taken in accord with the available information suggest the nature of the dispute to be?

5) How was the dispute finally resolved?

6) Was the resolution in the long term best interests of the school?

Clearly, the teacher's perceptions of the nature of the dispute are different from the principal's. The teacher takes the position that her behavior during the school year in question is identical to what it was in the year preceding. She points out that the

THE PRINCIPAL'S PERCEPTIONS

The Seven Stages of Dispute Settlement						
			Perceptions Disaligned			
I	II	III	IV	V	VI	VII
PRE-AWARENESS	TRIGGERING EVENT	CONFRONTATION	DISALIGNMENT OF PERCEPTION	IMPASSE REACTION	RESOLUTION PROCESS	NEW AWARENESS
Some earlier indication that this teacher might be unsatisfactory. 1. absent 2. no plans when absent 3. comes to school late 4. did not send in 1013 form	Announced on December 18, in a meeting in principal's office that Miss Smith would be rated unsatisfactory. Present at Mtg. 1. Mr. Covington 2. Miss Smith	At the December 18, mtg., Miss Smith wanted to know if she was unsatisfactory "in everything" Question was irrelevant Tardiness alone is enough in opinion of principal.	The Principal's perception is the only one that he can rely upon for he must be responsible for what occurs in the school. Perceives Miss Smith to be bad for the school.	Seeks support for his perceptions from the math supervisor and the department head of the math teachers in the bldg. (Prin. would repeat items in col. I as the causative conflict fac.)	Meeting held with appropriate parties. Miss Smith's competence questioned. Following some second thoughts about the matter, principal rated her unsatisfactory, forcing her transfer out of the building.	

The Seven Stages of Dispute Settlement						
			Perceptions Disaligned			
I	II	III	IV	V	VI	VII
PRE-AWARENESS	TRIGGERING EVENT	CONFRONTATION	DISALIGNMENT OF PERCEPTION	IMPASSE REACTION	RESOLUTION PROCESS	NEW AWARENESS
Behavior and habits this yr. identical to what they were last yr. No hint from the office of any difficulty.	On November 5, Principal expressed strong disapproval of number of pupils failing math. Teacher defended her grades. Role invasion suspected.	During the November 5, meeting there was some ventilation of feeling but no substantive arguments seem to have ensued from the meeting.	Principal is not interested in why the grades were given. He is actually blaming the teacher for a situation that he created in assigning pupils to math courses that are too difficult.	Seeks support from department head and then from the association. The concurrent issues that Mr. Covington raises are not causative conflict factors. The grades are the causative conflict factors.	Considers extrication but attempts to work out the problem through forming alliances.	

principal gave her no indication that her behavior was wrong then, implying the question, why is it wrong now? Mr. Covington, on the other hand, asserts by the scope of his rating that there were general failures on Miss Smith's part that justified the unsatisfactory evaluation. There is no indication that he talked any of these alleged failures over with Miss Smith before December, or perhaps January, nor is there any clear indication that he did not. But there is a clear reference to a mark of satisfactory that Mr. Covington gave to Miss Smith. This previous rating, and there is no reason to doubt that it occurred, does raise some questions about the general failure of Miss Smith as a teacher and about the general scope of the rating.

Then, there is the question of what the two disputants perceive to be the triggering event. Miss Smith regards it as the November 5, meeting, at which time Mr. Covington expressed strong disapproval over the number of pupils who were failing in math. She seems to regard the meetings of December 18, and January 12, as escalations of that initial conflict, a recycling of confrontations for the purpose of joining new issues to the dispute.

Mr. Covington, the evidence suggests, is forced to take the position that the triggering event was the meeting of December 18, at which time he announced that Miss Smith would be rated unsatisfactory. Seemingly, upon reflection or through the acquisition of additional information or information temporarily forgotten, he further stipulates that Miss Smith is frequently absent, or has been, in the past; that her lesson plans cannot be found when she is absent and that, in January, she failed to send in a routine, but important form, on a student who had been truant for some time. Miss Smith questions the importance of that form but insists that she did send it in. She perceives these concurrent issues to be largely irrelevant, anyway, or at least her treatment of the topics in terms of emphasis, suggests this to be the case. What she regards as the causative conflict factor is the issue over grades. Again, in contrast to her perceptions, Mr. Covington, on the basis of issues raised in his rating, not to mention those which he has chosen to ignore, must take the position that the causative conflict factors are not over grades but over the other points he has raised.

Having examined the disputants' perceptions and narrowed the causative conflict factors down to issues arising out of either the confrontation of November 5, or the confrontation of December 18, one may ask, which of these conflicting views seems most justified by the evidence. One may ask, too, if there is additional evidence to consider. And there is.

Let us consider, at this point, the possibility that Miss Smith grossly exaggerated the story about her confrontation with Mr. Covington over grades or that she made it up altogether, reasoning perhaps, that she could combat Mr. Covington's unsatisfactory rating more effectively by making the issue one of honoring the teacher's grades rather than one of poor work and attendance habits.

There is evidence to discourage this line of conjecture.

Mrs. Sara Arnold, a secretary at Peabody, confided the following to the Association investigator:

1) On the morning when Miss Smith was called to the office to discuss her grades, four other teachers were called in on the same matter. They were Mr. Macon Collins, Mr. Paul Dean, Mrs. Irma Deloach and Mrs. Gertrude Gordon.

2) Other teachers were in and out of the office at different times during the day and from time to time during the following week. From her seat in the office, Mrs. Arnold could hear the conversations. She reports that they were over grades. This continued throughout the week.

3) After Mr. Covington talked with Miss Smith, he asked Mrs. Givans, his secretary, to call the math supervisor for secondary schools in Central District. Later, for some reason, Mrs. Arnold was asked to make this call.

4) Seventeen teachers wrote statements in support of Miss Smith protesting what they referred to as "pressure tactics" directed at forcing them to lower their percentage of failure without regard to pupil achievement.

5) The other teachers who were called into the office generally were not surprised at the action. Some had gone through this with Mr. Covington before.

It seems quite certain, in light of the above, that Miss Smith did not invent the encounter and somewhat unlikely that she even exaggerated it. It appears that her marking style was indentical to that of a number of teachers with whom Mr. Covington was already having difficulty. It may simply be a matter of their having handled the encounter more adroitly, consequently avoiding any escalation of conflict with the principal on a one-to-one basis.

The encounter, or confrontation, deserves further discussion for it appears from Miss Smith's account, that Mr. Covington came off poorly. Quite obviously, he had strong feelings about Miss Smith's grading style but he did not wish to invade her sphere as teacher beyond the point of making her aware of his concerns. But Miss Smith, recognizing that she was on firm ground, suggested, not too subtly, that if Mr. Covington wanted the pupils to make higher grades he should have seen to it that they were enrolled in easier courses.

Perhaps it was at this point, where frustration collided with something that must have looked like mild pomposity, that the dispute veered from issues to a ventilation of feelings.

One assumes that Mr. Covington had good reason for wanting Miss Smith to lower the number of students that she was failing. Perhaps his request was essentially one for compliance with the wishes of his administrative superiors. Or he might have wanted Peabody's number of failures to conform more closely to the number of failures found in high schools catering to students from a similar social, economic and ethnic background. Or, since Miss Smith's account reveals that her initial confrontation with Mr. Covington occurred on the morning of parent-teacher-conference day, just a few days after card-marking, it is even possible that Mr. Covington had received a number of phone calls from irate parents with children in Miss Smith's classes. These are reasons having more to do with politics than with educational philosophy, but they are good reasons nevertheless. They suggest that there are times when a teacher may have to concede something to community pressure or share some of the principal's headaches.

It is interesting to note, in this account, that the principal seemingly conceded nothing--not even a share of his headaches. What does come through is a veiled threat in the suggestion that maybe the teacher, Miss Smith, did not belong at Peabody.

But even so, the opportunity for unilateral concession, reciprocation and compromise was not lost. Richard Walton makes the important point that disputants usually reveal a readiness to modify their views on an issue after they have had an opportunity to present them and to defend them.* There is reason to question whether Mr. Covington gave his meeting with Miss Smith a chance to take effect. For he decided to rate her unsatisfactory in December, before she had a chance to mark the pupils again.

This decision might be construed as supporting the principal's contention that the justification for the rating arose from other areas, not from the teacher's marking pattern. How does the evidence affect this posture?

First of all one needs to bear in mind the number of areas called into question. There were four and they encompassed lesson plans, record keeping, attendance and tardiness.

Quite obviously, the lesson plans were not important. The math department head and the math supervisor make no complaint against the teacher on any count whatsoever. Secondly, there is the allegation of faulty record-keeping, but the only

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*Richard E. Walton, *Interpersonal Peacemaking: Confrontations and Third Party Consultation* (Mass. Addison-Wesley Pub. Co., 1969) p. 10.

instance given, a fact confirmed by the math supervisor, is one having to do with a form 1013 which the teacher has strongly asserted to be in error.

But the questions of the teacher's absences and tardinesses are the most interesting. In the latter instance, teacher testimony confirmed that Miss Smith's habitual tardinesses were in accord with common practice at Peabody High School. At least nine other teachers with late programs, ending at 3:30 p.m., came to school during the second period rather than before the first. The Peabody High School Notes explicitly stated that all teachers were to be in the building before the first period. But this provision was generally ignored. Practice differed from policy in this and in other instances at Peabody High.

And in the former instance, with respect to absences, an interesting sidelight developed on this case. It occurred in the form of another complaint to the Association office prior to the start of Miss Smith's case.

An attendance officer, assigned to Peabody High and to several other schools, called the Association office on January 5, just after the Christmas holidays ended. He complained that Mr. Covington had assigned him to check on the absences of a teacher, Miss Ann Smith. It appears that Miss Smith called in sick on the day after the holidays and Mr. Covington asked the attendance officer to go to her home to see if she was in or out. When the attendance officer reported that Miss Smith was not in, Mr. Covington suggested to him that she was actually out of town. He is quoted as having asked the attendance officer to report, in Miss Smith's presence, that he had not found her at home on the occasion when he checked.

The attendance officer, an Association member, not only refused but reported the unusual request to the Association as a complaint. This event becomes important because it is so unusual. Teachers are entitled to sick leave, and one takes for granted that there are occasions upon which sick leave is abused. But the automatic check on this abuse is the limit of accumulated days. Administrators are not required to adopt underhanded methods to assure no violations of sick leave provisions. Why would Mr. Covington do such an unusual thing where this teacher is concerned? Other teachers, surely, were sometimes absent for questionable cause. And likewise, other teachers failed a large number of students. And again, other teachers, at least nine, reported late to school. Why then the difference in treatment?

One, seemingly, must conclude that the difference in treatment, which developed after the confrontation over grades, must have developed because of that confrontation, making it and the issues upon which it was based the causative conflict factor. The emotional issues, undefined as they are, do appear to have been based on a philosophical disagreement over how one grades high school students.

The case of Ann Smith reveals some of the classic destructive tactics which parties engaged in malevolent conflict may resort to. Mr. Covington, for example, seemed to have begun seeking alliances very early. It appears that he had hoped that the math supervisor would also find Miss Smith unsatisfactory. At least, it seems unlikely that Mr. Covington really contacted him in the hope of helping Miss Smith to work out her differences at Peabody High School.

Likewise, Miss Smith engages in similar tactics. At first, she thinks of extricating herself from what she sizes up as a situation which might deteriorate rapidly. But then, she consults her department head. He allays her fears, somewhat, and it appears that she begins to regard him as an ally against Mr. Covington. It should be noted that Miss Smith's reactions are not the calculated moves of an old incompetent who has learned the tactics of survival, but rather the intuitive response of a young teacher who after asserting herself naively, faces the unpleasant dilemma of whether to run or fight.

She stayed and fought a losing battle. In the end the principal prevailed in the matter. Miss Smith was rated unsatisfactory and forced to transfer from Peabody High School.

Did Mr. Covington end this conflict in a way that was beneficial to his school, thus making the end somehow justify the means which he employed?

Certainly not.

For if the key issue was grades then that matter deserved debate, confrontation and resolution. To say that Mr. Covington mismanaged the conflict is to say that he debated the wrong issues, confronted the teacher over the wrong shortcomings and eventually resolved the wrong problem. His effort netted him one reduction in the number of "hard marking" teachers in his building.

Was it his aim, perhaps, to make Miss Smith's fate an example to others? If so, the tactic backfired. For one year later when the issue over grades reached the newspaper headlines, it was because of a two week boycott staged by the Peabody students. Among the teachers openly supporting that boycott were Gertrude Gordon, Paul Dean and Macon Collins.

The Need for Guidelines in the Settlement of School Disputes

Most disputes require conciliation for effective resolution. But third party intervention is generally possible only after disputes enter a cycle which, in fact, creates the need for executive orders, statutory action, or judicial intervention to protect the public safety.

In New York City, for example, both the United Federation of Teachers and the governing board of the Ocean-Hill Brownsville Experimental District presumably could have resolved their differences through concession and conciliation early in their 1967-68 dispute. But in the absence of mediation confronted each other until their differences created a turbulent climate in New York City. At this juncture the Mayor, the courts, and the State Commissioner of Education intervened and tried to defuse the situation.

Some of the dynamics of social conflict tend to repeat themselves in confrontations whether they occur on an individual or an organizational level or through a formal or informal process.

Within the framework of a formal dispute-settlement process, the limits are usually set and the outcomes are somewhat predictable. In a collective bargaining context, for example, the disputants will either reconcile themselves to a settlement or the dispute will escalate into a strike. If the strike persists to the point where the public is greatly inconvenienced or persons are placed in jeopardy, third party intervention is expected by the disputants. It generally comes either in the form of mediation or arbitration or through the injunction process all of which tend to deescalate the dispute or at least mollify its intensity.

In disputes that arise outside of the formal processes, however, the resolution depends largely, if not exclusively, on the ability of one of the disputants to overwhelm the other.

Although conciliation is a possibility, polarization is more likely. For if conciliation is to work, it will generally be initiated by the disputant who is most sophisticated in the politics of conflict and who probably enjoys most of the advantages and a better chance of "winning" should a malevolent cycle of conflict develop. This means, of course, that the disputant with the power to clobber what may be an obnoxious opponent must resist the temptation to vent his emotions and actually make a major concession to his opponent in the interest of reconciling differences--a concession which may not win a reciprocal gesture.

That this does not occur often is not surprising.

What does happen is that the dispute heats up and in the absence of guidelines it escalates unpredictably. The issues tend to raise political, ethical, and moral questions rather than statutory or legal ones. Shall schools hire black administrators? Should parents have a role in the establishment of the school's program or curriculum? Should a principal grant students a voice in setting school policy?

Recent experiences in the big cities indicate a need for guidelines in dealing with these dispute-generating questions. They also illustrate, in some ways, what the dynamics of dispute are and suggest the need for some kind of intervention process for both the prevention of malevolent dispute and the mollification of the negative impact that schools may suffer when, despite whatever measures may be taken, disputes spiral out of control.

SUMMARY

The seven cases which have received special attention in this report represent by no means the full scope of topics covered during the Collective Negotiations Institute.

1. The internal school dispute which is covered as a case study was, in fact, an outgrowth of the Institute and the recognition by its planners that the Institute itself had not been structured to allow any analysis of the internal dynamics of school conflict. Yet such conflicts do occur and sometimes generate issues that overflow the confines of the school with considerable impact on the greater community. So following the Institute an analysis and case study of such a dispute was prepared using a school in one of the participating districts as the subject.

   The other cases which were abstracted all helped to illustrate basic points for which the Institute was convened.

2. The Amidon Plan revealed, for example, that unilateral innovation, no matter how sincere the motivation of its architects, runs the risk of alienating people even when the innovation is presumably for their benefit.

3. On the other hand, the Tri-School Plan shows how negotiations meet the vital needs of a clientele to participate in producing a program and that participation may well be the main element in determining whether the program will succeed.

4. Along the same line, the Morgan Community School represents an effort to launch a new program following participation and negotiation involving all of the affected parties. Again the participation model results in a relatively smooth start even though the innovation represents a radical departure from old styles of operation.

5. In the New School experience just the opposite occurs. Clients feel compelled to use withdrawal from the system as a dispute resolution technique.

6. The Manhattan High School dispute is important in revealing a step-by-step account of third party intervention into an ongoing dispute and the setting up of a process for resolving such a dispute through negotiation.

7. The Anacostia Project is a similar experience. Again the negotiations process is employed in advance of major confrontations. The dispute generating issues are recognized by the leadership of the affected organization and through internal organizational negotiations they are revolved.

Taken together these selected cases indicate the formal and informal use to which negotiations may be put in preventing disputes or in resolving them after they occur. They also indicate the extent to which the neglect of formal (as in the Manhattan case) or informal negotiations may result in serious confrontations between the affected parties.

Chapter IV

NEGOTIATIONS AS A DISPUTE RESOLUTION TECHNIQUE

The Anacostia Project and the Morgan Community School, both created as a result of informal negotiations between parent groups and the school board in Washington, and the New York case which was presented earlier, all support the contention that negotiations can be used to prevent disputes from becoming malevolent and/or to resolve disputes after they have entered a malevolent cycle.

Unfortunately, negotiations are rarely employed as a preventive process in disputes. The tendency appears to be to wait until an unproductive stage of posturing and maneuvering has run its course. Polarization then follows. Finally, an attempt to mediate between the parties usually results.

Experience suggests that preventive as well as corrective effort is needed.

RECOMMENDATION

It is the recommendation of the sponsors of the Collective Negotiations Institute at the Harvard Graduate School of Education that a Center for the Study and Resolution of School Disputes be established to assist school districts in resolving both their internal disputes and those disputes which result from forces external to the schools. Such centers would assist school districts in both the prevention of major disputes and in the resolution of such disputes when preventive measures fail.

The Process Consultant

To prevent the emergence of disputes that disrupt the operation of a school or school district, the center would make process consultants available to the schools. These consultants would function in the following ways:

(1) provide an opportunity for parents to confront teachers and other school authorities through a negotiations process over issues of concern to them or to their children;

(2) provide administrators and staff with an opportunity to confront each other through a negotiations process in a threat-free atmosphere in the hope of changing staff or administrative behavior;

(3) provide students with the opportunity to affect school policies, curriculum staff assignments, etc. through a negotiations process;

(4) provide educators with documented case studies on dispute settlement and on the dynamics of disputes including student grievances, faculty grievances, school-community disputes, and teacher-administration disputes of both a formal and informal nature;

(5) define the limits of confrontation during informal negotiations between parties wishing to vent their emotions about policies or practices with which they are unhappy and provide guarantees against reprisals.

The process consultant would be responsible for setting up situations in which issues of a potentially conflictive nature would be allowed to surface. Skilled in the promotion of contained confrontation, a by-product of his function would be alerting institutional heads to dispute generating issues among staff or clients and guiding institutions in the direction of change without major disruption.

Such a person would not be just a mediator. He would also be an ombudsman and a researcher. Students would seek him out if they wanted to confront their teachers or their administrators over an issue through the negotiations process. As a quasi-ombudsman, he would help them during the confrontation to get their point across (though he would not be an advocate). As a quasi-mediator, he would set the time and location of such meetings and establish rules for the observance of courtesies that might expedite the process of confrontation and resolution of differences.

He would not be an arbitrator. Disputants would be expected to work out final outcomes themselves. But if they decided that they needed an arbitrator, the process consultant would advise them on a procedure for selecting one.

To maintain his neutrality, the process consultant should operate from a university or similar institution that is independent from the school system and detached from the political environment of the district.

The process consultant will serve the school system as more than an antenna, alert to indications of pending eruptions. His function will necessitate setting up confrontations on request rather than waiting for the spontaneous combustion of long suppressed grievances. As a disinterested third party, he would bring issues to the surface without threatening or jeopardizing the status of either disputant. He would explain his role and establish the basic ground rules under which future confrontations

between disputants would occur. Finally, he would attempt to bring about the identification of substantive issues in the dispute and provide the parties with a basis for structuring their future relationships and the administration with a basis for decision-making that would assist in preventing crises from arising in the future.

Mediators and Arbitrators

A second function of such a center would be to provide school districts affiliated with the center with mediators and arbitrators upon request. Both mediators and arbitrators would, among their normal functions, help in the development of case studies.

In some cases persons serving as process consultants in one district might serve in the role of mediator or arbitrator in another. The Center for the Study and Resolution of School Disputes would not only render a valuable service to school districts but it would also serve as a unique in-service training experience for school administrators who availed themselves of its services.

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"Perspectives on the Youth Revolution"

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